

PATENT COOPERATION TREATY

REC'D 16 MAR 2005
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From the
INTERNATIONAL SEARCHING AUTHORITY

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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year)	11 March 2005 (11-03-2005)
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Applicant's or agent's file reference
09329-004

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/CA2004/001890

International filing date (day/month/year)
28 October 2004 (28-10-2004)

Priority date (day/month/year)
31 October 2003 (31-10-2003)

International Patent Classification (IPC) or both national classification and IPC
F16J 15/02; F16K 27/06; F16K 5/08

Applicant
FLUOROSEAL INC.

1. This opinion contains indications relating to the following items :

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement. |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input checked="" type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/CA
Canadian Intellectual Property Office
Place du Portage I, C114 - 1st Floor, Box PCT
50 Victoria Street
Gatineau, Quebec K1A 0C9

Facsimile No: 001(819)953-2476

Authorized officer

Mark Janczarski (819) 953-8842

Box No. I - Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language — _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statement that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments :

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Box No. V

Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>4, 5, 6</u>	YES
	Claims	<u>1 to 3, 7 to 9</u>	NO
Inventive step (IS)	Claims	<u>None</u>	YES
	Claims	<u>1 to 9</u>	NO
Industrial applicability (IA)	Claims	<u>1 to 9</u>	YES
	Claims	<u>None</u>	NO

2. Citations and explanations :

Claims 1 to 3 and 7 to 9 lack novelty under PCT Article 33(2).

The subject matter of claims 1 and 7 includes teaching of Hirakawa and Nakanishi. Both patents are directed to containment device being a packing seal, which prevents leakage of a fluid. Wave surface or wedge surface in a shape of a cam as broadly claimed in claims 1 and 7. A cover, a thrust collar and means to press the cam are apparent in both patents.

The subject matter of claims 2, 3, 8 and 9 includes teaching of Nakanishi. A single bolt is used to compress packing through a compressing cam surface while the bolt is being screwed in.

Claims 4 to 6 lack inventive step under PCT Article 33(3) as being obvious having regard to Nakanishi in view of general knowledge

Adding an indicator to show the degree to which the activating bolt is engaged in an opening is obvious. The bolt itself reduced its visible length while being turned in. The length is the position indicator. Use of claimed subject matter in valves is taught by Nakanishi.

Haessler Teaches adjustable packing assembly where a collar nut threadedly engaged in a wall containing a packing compresses the packing through rotation of the nut. An inclined thread is similar to a camming surface rotated around axis and compressing the packing during rotational movement.

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted :

Abstract does not comply with PCT rule 8.1 (d). Reference signs are not included.

The applicant is invited under PCT rule 6.2 to include reference characters in the language of the claims.

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made :

Claims 1 to 9 do not comply with PCT Rule 6.3(a). The above claims need to be drafted in terms of the technical features of the claimed invention and their functional relationship. Claims 1 and 7 state result obtained by the invention and fail to provide structure of the apparatus with functional relationship between elements of the structure.